EXHIBIT E

From: Braunel, Matthew A. <mbraunel@thompsoncoburn.com>

Sent: Friday, June 28, 2024 9:35 AM

To: Johnson, David (DC)

Cc: Yates, Chris (Bay Area); Giordano, Jennifer (DC); Kim, Karen (NY); Triantafyllou, Kimon (DC); Viola,

Emily (NY); Stebbins, Sarah (NY); Martin, Lindsay (NY)

Subject: RE: RE: RE: Cole Haan Response to Subpoenas

David,

Cole Haan has not changed its position. Please provide us with copies of any materials filed with the Court.

Matthew A. Braunel

mbraunel@thompsoncoburn.com

P: 314 552 6106 F: 314 552 7000 M: 314.602.6106

Thompson Coburn LLP

One US Bank Plaza St. Louis, MO 63101 www.thompsoncoburn.com

From: David.Johnson@lw.com < David.Johnson@lw.com >

Sent: Thursday, June 27, 2024 4:34 PM

To: Braunel, Matthew A. <mbraunel@thompsoncoburn.com>

Cc: Chris.Yates@LW.com; Jennifer.Giordano@lw.com; Karen.Kim@lw.com; Kimon.Triantafyllou@lw.com;

Emily.Viola@lw.com; Sarah.Stebbins@lw.com; Lindsay.Martin@lw.com

Subject: RE: RE: RE: Cole Haan Response to Subpoenas

RECEIVED FROM EXTERNAL SENDER - USE CAUTION

Matthew, it is not our goal to impede on your vacation, but we need to know this week if Cole Haan is standing on its refusal to produce documents. We have been discussing Tapestry's subpoena to Cole Haan for a month and Cole Haan has not made any indication that it will produce any materials in response to the subpoena. If you cannot provide a representation that Cole Haan will be producing materials, we see no other option than seeking relief from the Court. Please let us know by noon ET tomorrow.

Thank you, David

David L. Johnson Pronouns: He/Him/His

LATHAM & WATKINS LLP

555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304

D: +1.202.637.1061

From: Braunel, Matthew A. < mbraunel@thompsoncoburn.com>

Sent: Thursday, June 27, 2024 1:34 PM

To: Johnson, David (DC) < David. Johnson@lw.com>

Cc: Yates, Chris (Bay Area) < Chris.Yates@LW.com; Giordano, Jennifer (DC) < Jennifer.Giordano@lw.com; Kim, Karen

(NY) < Karen.Kim@lw.com">Kimon (DC) < Kimon.Triantafyllou@lw.com; Viola, Emily (NY)

<<u>Emily.Viola@lw.com</u>>; Stebbins, Sarah (NY) <<u>Sarah.Stebbins@lw.com</u>>; Martin, Lindsay (NY) <<u>Lindsay.Martin@lw.com</u>>

Subject: RE: RE: RE: Cole Haan Response to Subpoenas

Hi David,

I'm on vacation this week, back in the office on 7/1. I don't have any additional substantive information from Cole Haan to convey. If you'd like to set something up, I'm open on 7/2 from 10:30 – Noon.

Thank you,

Matthew A. Braunel

mbraunel@thompsoncoburn.com

P: 314 552 6106 F: 314 552 7000 M: 314.602.6106

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One US Bank Plaza St. Louis, MO 63101 www.thompsoncoburn.com

From: <u>David.Johnson@lw.com</u> < <u>David.Johnson@lw.com</u> >

Sent: Thursday, June 27, 2024 9:08 AM

To: Braunel, Matthew A. <<u>mbraunel@thompsoncoburn.com</u>>

Cc: Chris.Yates@LW.com; Jennifer.Giordano@lw.com; Karen.Kim@lw.com; Kimon.Triantafyllou@lw.com;

Emily.Viola@lw.com; Sarah.Stebbins@lw.com; Lindsay.Martin@lw.com

Subject: RE: RE: RE: Cole Haan Response to Subpoenas

RECEIVED FROM EXTERNAL SENDER - USE CAUTION

Matthew, please let us know a time that you're available today to confer about Tapestry's June 25, 2024 letter.

Best,

David

David L. Johnson Pronouns: He/Him/His

LATHAM & WATKINS LLP

555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304

D: +1.202.637.1061

From: Johnson, David (DC)

Sent: Tuesday, June 25, 2024 4:43 PM

To: 'Braunel, Matthew A.' < mbraunel@thompsoncoburn.com >

Cc: Yates, Chris (Bay Area) < Chris.Yates@LW.com; Giordano, Jennifer (DC) < Jennifer.Giordano@lw.com; Kim, Karen

(NY) <Karen.Kim@lw.com>; Triantafyllou, Kimon (DC) <Kimon.Triantafyllou@lw.com>; Viola, Emily (NY)

< <u>Emily. Viola@lw.com</u>>; Stebbins, Sarah (NY) < <u>Sarah. Stebbins@lw.com</u>>; Martin, Lindsay (NY) < <u>Lindsay. Martin@lw.com</u>> **Subject:** RE: RE: RE: Cole Haan Response to Subpoenas

Matthew, we appreciate that you are reaching out to Cole Haan. With fact discovery closing on July 26, 2024, and after discussing the subpoena for nearly a month without receiving any documents from Cole Haan or commitment that Cole Haan will produce documents, we cannot delay beyond this week. If you are unavailable to meet tomorrow, please provide times to meet on Thursday, June 27.

As we have explained on our prior calls, we disagree that it would appropriate under the Protective Order for Defendants or the FTC to share designated Confidential information with a competitor of Cole Haan, whether retained as an expert or otherwise. We do not believe the Court would agree that the Protective Order it entered could be subverted in the manner that Cole Haan imagines. We also note that the language in the Protective Order in this case is based, in relevant part, on Judge Rochon's model protective order, which also permits Confidential information to be provided to "any person retained by a Party to serve as an expert witness or otherwise provide specialized advice to counsel in connection with this action, provided such person has first executed a Non-Disclosure Agreement in the form annexed as an Exhibit hereto." Model Protective Order Para. 6(g). As with Judge Rochon's model order, any expert receiving Confidential materials would be subject to the jurisdiction of the Court and must agree to be bound by the terms of the Protective Order.

We have also represented, and can represent again, that Defendants will not share Cole Haan's designated Confidential information with any retained expert that is a competitor to Cole Haan, even if Defendants were to retain such an expert. If Cole Haan will agree to produce the requested materials if we provide that representation in a stipulation, we can do so.

Best, David

David L. JohnsonPronouns: He/Him/His

LATHAM & WATKINS LLP

555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304

D: +1.202.637.1061

From: Braunel, Matthew A. < mbraunel@thompsoncoburn.com>

Sent: Tuesday, June 25, 2024 2:58 PM

To: Johnson, David (DC) < <u>David.Johnson@lw.com</u>>

Cc: Yates, Chris (Bay Area) < Chris. Yates@LW.com >; Giordano, Jennifer (DC) < Jennifer. Giordano@lw.com >; Kim, Karen (NY) < Karen. Kim@lw.com >; Triantafyllou, Kimon (DC) < Kimon. Triantafyllou@lw.com >; Viola, Emily (NY) < Emily. Viola@lw.com >; Stebbins, Sarah (NY) < Sarah. Stebbins@lw.com >; Martin, Lindsay (NY) < Lindsay. Martin@lw.com >

Subject: RE: RE: RE: Cole Haan Response to Subpoenas

Hi David,

I'll discuss this with Cole Haan, but I don't expect to have a response by tomorrow.

We discussed that the Protective Order allows for Defendant or the FTC to disclose designated materials to anyone who has executed an Exhibit A. If a Cole Haan competitor executes an Exhibit A, there is no practical way for Cole Haan to stop the disclosure. Defendant has not addressed Cole Haan's concern and you indicated that you had not heard that as an issue from the other parties.

I'll be back in touch once I have talked to Cole Haan.

Thank you,

Matthew A. Braunel

mbraunel@thompsoncoburn.com

P: 314 552 6106 F: 314 552 7000 M: 314.602.6106

Thompson Coburn LLP

One US Bank Plaza St. Louis, MO 63101 www.thompsoncoburn.com

From: David.Johnson@lw.com <David.Johnson@lw.com>

Sent: Tuesday, June 25, 2024 1:23 PM

To: Braunel, Matthew A. <mbraunel@thompsoncoburn.com>

Cc: Chris.Yates@LW.com; Jennifer.Giordano@lw.com; Karen.Kim@lw.com; Kimon.Triantafyllou@lw.com;

Emily.Viola@lw.com; Sarah.Stebbins@lw.com; Lindsay.Martin@lw.com

Subject: RE: RE: RE: Cole Haan Response to Subpoenas

RECEIVED FROM EXTERNAL SENDER - USE CAUTION

Matthew, please see attached the letter that I referenced in my email below. We would like to schedule a call on Wednesday, June 26 to discuss whether Cole Haan is willing to change it position and produce documents in response to the four narrowed categories of information set out in this letter. Please let us know what times you are available on June 26.

Best, David

David L. Johnson Pronouns: He/Him/His

LATHAM & WATKINS LLP

555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304

D: +1.202.637.1061

From: Johnson, David (DC)

Sent: Monday, June 24, 2024 9:46 AM

To: Braunel, Matthew A. < mbraunel@thompsoncoburn.com>

Cc: Kim, Karen (NY) <Karen.Kim@lw.com>; Triantafyllou, Kimon (DC) <Kimon.Triantafyllou@lw.com>; Viola, Emily (NY)

<Emily.Viola@lw.com>; Stebbins, Sarah (NY) <Sarah.Stebbins@lw.com>; Martin, Lindsay (NY)

<Lindsay.Martin@lw.com>; Yates, Chris (Bay Area) <Chris.Yates@LW.com>; Giordano, Jennifer (DC)

<Jennifer.Giordano@lw.com>

Subject: RE: RE: RE: Cole Haan Response to Subpoenas

Matthew, thank you for letting us know Cole Haan's position. As we have met and conferred on this several times, but have been unable to resolve this impasse, we intend to file a motion to compel. We will follow-up with a letter identifying the specific materials we will be moving to compel, if we cannot reach resolution. If you have a proposal for addressing your confidentiality concerns, or if your position changes after receiving our letter, we are of course willing to meet with you further to avoid burdening the Court with this issue.

Best,

David

David L. Johnson Pronouns: He/Him/His

LATHAM & WATKINS LLP

555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304

D: +1.202.637.1061

From: Braunel, Matthew A. <mbraunel@thompsoncoburn.com>

Sent: Monday, June 24, 2024 9:41 AM

To: Johnson, David (DC) < David. Johnson@lw.com>

Cc: Kim, Karen (NY) < kimon (DC) < kimon.Triantafyllou@lw.com; Viola, Emily (NY) < kimon.Triantafyllou@lw.com; Wartin, Lindsay (NY) < kimon.triantafyllou@lw.com; Martin, Lindsay (NY) < kimon.triantafyllou@lw.com; Martin, Lindsay (NY) < kimon.triantafyllou@lw.com; Martin, Lindsay (NY) < kimon.triantafyllou.kimon

Subject: RE: RE: RE: Cole Haan Response to Subpoenas

Hi David,

Cole Haan is not producing information to either Defendant or the FTC due to the confidentiality and burdensomeness concerns in the objections that have not been remedied by our meet and confer and processes. If Defendant wishes to continue a discussion that does not include confidential sales data, let us know.

Thank you,

Matthew A. Braunel

mbraunel@thompsoncoburn.com

P: 314 552 6106 F: 314 552 7000 M: 314.602.6106

Thompson Coburn LLP

One US Bank Plaza St. Louis, MO 63101 www.thompsoncoburn.com

From: David.Johnson@lw.com < David.Johnson@lw.com >

Sent: Friday, June 21, 2024 10:56 AM

To: Braunel, Matthew A. <mbraunel@thompsoncoburn.com>

Cc: Karen.Kim@lw.com; Kimon.Triantafyllou@lw.com; Emily.Viola@lw.com; Sarah.Stebbins@lw.com;

Lindsay.Martin@lw.com

Subject: RE: RE: RE: Cole Haan Response to Subpoenas

RECEIVED FROM EXTERNAL SENDER - USE CAUTION

Hi Matthew, you mentioned below that you would revert this week about Cole Haan's position with respect to Tapsetry's subpoena. Can you let us know what Cole Haan is planning to produce and when we can expect that production.

Thank you, David

David L. Johnson Pronouns: He/Him/His

LATHAM & WATKINS LLP

555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304

D: +1.202.637.1061

From: Braunel, Matthew A. < mbraunel@thompsoncoburn.com>

Sent: Thursday, June 13, 2024 9:36 AM

To: Johnson, David (DC) < <u>David.Johnson@lw.com</u>>

Cc: Kim, Karen (NY) < Karen.Kim@lw.com; Triantafyllou, Kimon (DC) < Kimon.Triantafyllou@lw.com; Viola, Emily (NY) < Kimon.Triantafyllou@lw.com; Wartin, Lindsay (NY) < Lindsay.Martin@lw.com; Martin, Lindsay (NY) < Lindsay.Martin@lw.com; Martin (NY) < <a href="mailto:Lindsay.Martin@lw

Subject: Re: RE: RE: Cole Haan Response to Subpoenas

Hi David,

Following up on our discussion earlier this week, I spoke with the FTC's counsel regarding the FTC subpoena to Cole Haan. Cole Haan is considering the positions and will revert next week to both entities with its positions. Thank you,

From: <<u>David.Johnson@lw.com</u>> Date: 06/10/2024 at 08:46 pm

To: <mbraunel@thompsoncoburn.com>

Cc:

<<u>Karen.Kim@lw.com</u>>,<<u>Kimon.Triantafyllou@lw.com</u>>,<<u>Emily.Viola@lw.com</u>>,<<u>Sarah.Stebbins@lw.com</u>>,<<u>Lindsay.Marti</u>n@lw.com>

Subject: RE: RE: Cole Haan Response to Subpoenas

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Yes, I can do that time. I send a new invite.

Best,

David

From: Braunel, Matthew A. <mbraunel@thompsoncoburn.com>

Sent: Monday, June 10, 2024 8:27 PM

To: Johnson, David (DC) < <u>David.Johnson@lw.com</u>>

Cc: Kim, Karen (NY) < Karen.Kim@lw.com; Triantafyllou, Kimon (DC) < Kimon.Triantafyllou@lw.com; Viola, Emily (NY) < Kimon.Triantafyllou@lw.com; Viola, Emily (NY) < <a href="mailto:Kimon.Triantafyllou.Kimon.Triantaf

Subject: RE: RE: Cole Haan Response to Subpoenas

Can you make 1:30 Central tomorrow?

From: David.Johnson@lw.com <a href="mailto:David.Jo

Date: 6/10/24, 9:38:25 AM CDT

To: mbraunel@thompsoncoburn.com <mbraunel@thompsoncoburn.com>

Cc: Karen.Kim@lw.com < Karen.Kim@lw.com > Kimon.Triantafyllou@lw.com < Kimon.Triantafyllou@lw.com >

Emily.Viola@lw.com <Emily.Viola@lw.com> Sarah.Stebbins@lw.com <Sarah.Stebbins@lw.com>

<u>Lindsay.Martin@lw.com</u> < <u>Lindsay.Martin@lw.com</u> > **Subject:** RE: RE: Cole Haan Response to Subpoenas

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Thanks for letting us know. I could do the same time tomorrow. Does that work for you?

I could also do 11 am CT.

From: Braunel, Matthew A. <mbraunel@thompsoncoburn.com>

Sent: Monday, June 10, 2024 10:37 AM

To: Johnson, David (DC) < David. Johnson@lw.com>

Cc: Kim, Karen (NY) < Karen.Kim@lw.com; Triantafyllou, Kimon (DC) < Kimon.Triantafyllou@lw.com; Viola, Emily

(NY) < Emily.Viola@lw.com; Stebbins, Sarah (NY) < Sarah.Stebbins@lw.com; Martin, Lindsay (NY)

<Lindsay.Martin@lw.com>

Subject: Re: RE: Cole Haan Response to Subpoenas

David,

My hearing this morning is running long. I need to move the call we had for 10 Central today. How is tomorrow?

From: <<u>David.Johnson@lw.com</u>> Date: 06/04/2024 at 04:09 pm

To: <mbr/>braunel@thompsoncoburn.com>

Cc:

Case 1:24-cv-03109-JLR Document 110-5 Filed 07/01/24 Page 9 of 13

<<u>Karen.Kim@lw.com</u>>,<<u>Kimon.Triantafyllou@lw.com</u>>,<<u>Emily.Viola@lw.com</u>>,<<u>Sarah.Stebbins@lw.com</u>>,<<u>Lindsay.M</u> artin@lw.com>

Subject: RE: RE: Cole Haan Response to Subpoenas

RECEIVED FROM EXTERNAL SENDER - USE CAUTION

Hi Matt,

Thank you for speaking with us yesterday about Tapestry's subpoena to Cole Haan. On our call, you asked if we could clarify that the Protective Order in this case would prohibit the sharing of Cole Haan's designated Confidential Material with Cole Haan's competitors, including Capri and Tapestry. We wanted to confirm that is our understanding. In this case have worked with outside counsel for many handbag-industry participants, including Macy's, Lululemon, Ralph Lauren, Calvin Klein, Cuyana, Dagne Dover, Samonsite, Steve Madden, Hobo, MZ Wallace, Brahmin Leather Works, and many others, who have become comfortable with the Protective Order and have produced documents in this case or are in the process of producing. We are hopeful that Cole Haan will reach a similar conclusion and can soon begin producing documents in response to Tapestry's subpoena. To help facilitate Cole Haan's search, we are willing to focus Cole Haan's on the items below:

- 1. Data responsive to Request Nos. 6, 7, and 15. Tapestry is willing to discuss the format in which this sales data is maintained within Cole Haan to facilitate the production of the information as it exists in the normal course of Cole Haan's operations.
- 2. The results or presentation of findings of any consumer survey, polling, focus group, consumer analysis, or consumer segmentation of Cole Haan's handbag customers.
- 3. Any formal plan, presentation, or analysis regarding Cole Haan increasing its handbag sales, output, prices, quality, distribution channels, or physical locations.
- 4. Any formal presentation, competitive assessment, competitive landscape survey, or similar analysis of Cole Haan's competition for the sale of handbags.
- 5. Documents sufficient to show where Cole Haan's handbags are manufactured, and by whom.
- 6. Documents sufficient to show Cole Haan's store locations, and the type of location (i.e., outlet, retail, etc.).

available on Cole Haan's website.
We hope that this message provides clarity on the materials we are interested in from Cole Haan. We look forward to discussing with you during our call scheduled for June 10. But we're available prior to that date as well, if you would like to discuss.
Best,
David
From: Braunel, Matthew A. < <u>mbraunel@thompsoncoburn.com</u> > Sent: Wednesday, May 29, 2024 4:49 PM To: Johnson, David (DC) < <u>David.Johnson@lw.com</u> > Cc: Kim, Karen (NY) < <u>Karen.Kim@lw.com</u> >; Triantafyllou, Kimon (DC) < <u>Kimon.Triantafyllou@lw.com</u> >; Viola, Emily (NY) < <u>Emily.Viola@lw.com</u> >; Stebbins, Sarah (NY) < <u>Sarah.Stebbins@lw.com</u> > Subject: Re: RE: Cole Haan Response to Subpoenas
David,
I can talk on 6/3 from 10 - Noon Central; 6/6 2 - 3:30 Central or 6/7 2:30 - 3:30 Central. If any of those times work for you, please send an invite.
Thank you,
From: <\(\text{David.Johnson@lw.com} \) Date: 05/28/2024 at 11:51 pm To: <\(\text{mbraunel@thompsoncoburn.com} \) Cc: <\(\text{Karen.Kim@lw.com} \), <\(\text{Kimon.Triantafyllou@lw.com} \), <\(\text{Emily.Viola@lw.com} \), <\(\text{Sarah.Stebbins@lw.com} \) Subject: RE: Cole Haan Response to Subpoenas

Hi Matthew, following up on my email from Monday, is there a time on Wednesday, May 29, when you're available to discuss Cole Haan's response to Tapestry's subpoena?

Best,

David

From: Johnson, David (DC) < <u>David.Johnson@lw.com</u>>

Sent: Monday, May 27, 2024 12:20 PM

To: Braunel, Matthew A. <<u>mbraunel@thompsoncoburn.com</u>>

Cc: Kim, Karen (NY) <Karen.Kim@lw.com>; Triantafyllou, Kimon (DC) <Kimon.Triantafyllou@lw.com>; Viola, Emily

(NY) < Emily. Viola@lw.com>

Subject: RE: Cole Haan Response to Subpoenas

Thank you, Matthew. Are there some times tomorrow that you're available to discuss?

From: Braunel, Matthew A. < mbraunel@thompsoncoburn.com>

Date: Monday, May 27, 2024 at 11:44 AM

To: Johnson, David (DC) <David.Johnson@lw.com>, nlindquist@ftc.gov <nlindquist@ftc.gov>

Subject: FW: Cole Haan Response to Subpoenas

Resending to correct David's e-mail address.

Matthew A. Braunel mbraunel@thompsoncoburn.com P: 314 552 6106

F: 314 552 6106 F: 314 552 7000 M: 314.602.6106

Thompson Coburn LLP

One US Bank Plaza St. Louis, MO 63101 www.thompsoncoburn.com

From: Braunel, Matthew A. < mbraunel@thompsoncoburn.com>

Sent: Monday, May 27, 2024 10:42 AM
To: djohnson@lw.com; nlindquist@ftc.gov
Subject: Cole Haan Response to Subpoenas

Nicole, David,

Please see the attached.

Thank you,

Matthew A. Braunel

mbraunel@thompsoncoburn.com

P: 314 552 6106 F: 314 552 7000 M: 314.602.6106

Thompson Coburn LLP

One US Bank Plaza St. Louis, MO 63101 www.thompsoncoburn.com

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Case 1:24-cv-03109-JLR Document 110-5 Filed 07/01/24 Page 13 of 13

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